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7 *Attorney(s) for Digital Verification Systems, LLC*

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 **DIGITAL VERIFICATION**
11 **SYSTEMS, LLC,**

12 *Plaintiff,*

13 v.

14 **KOFAX, INC.,**

15 *Defendant.*

CASE NO.

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

16
17 Plaintiff Digital Verification Systems, LLC (“Plaintiff” and/or “DVS”) files
18 this Complaint against Kofax Inc., (“Defendant” and/or “Kofax”) for infringement of
19 United States Patent No. 9,054,860 (hereinafter “the ‘860 Patent”).

20 **PARTIES AND JURISDICTION**

21 1. This is an action for patent infringement under Title 35 of the United
22 States Code. Plaintiff is seeking injunctive relief as well as damages.

23 2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331
24 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent
25 infringement arising under the United States patent statutes.

26 3. Plaintiff is a Texas Limited Liability Company located at 1 East Broward
27 Boulevard, Suite 700, Fort Lauderdale, FL 33301.
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1 4. On information and belief, Defendant is a California corporation with its
2 principal office located at 15211 Laguna Canyon Road, Irvine, CA 92618. On
3 information and belief, Defendant may be served at its principal office.

4 5. On information and belief, this Court has personal jurisdiction over
5 Defendant because Defendant has committed, and continues to commit, acts of
6 infringement in this District, has conducted business in this District, and/or has
7 engaged in continuous and systematic activities in this District.

8 6. On information and belief, Defendant's instrumentalities that are alleged
9 herein to infringe were and continue to be used, imported, offered for sale, and/or sold
10 in this District.

11 **VENUE**

12 7. On information and belief, the venue is proper in this District under 28
13 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively,
14 acts of infringement are occurring in this District, and Defendant has a regular and
15 established place of business in this District.

16 **COUNT I**

17 **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,054,860)**

18 8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

19 9. This cause of action arises under the patent laws of the United States
20 and, in particular, under 35 U.S.C. §§ 271, *et seq.*

21 10. Plaintiff is the owner by assignment of the '860 Patent with sole rights
22 to enforce the '860 Patent and sue infringers.

23 11. A copy of the '860 Patent, titled "Digital Verified Identification System
24 and Method," is attached hereto as Exhibit A.

25 12. The '860 Patent is valid, enforceable, and was duly issued in full
26 compliance with Title 35 of the United States Code.

27 13. Upon information and belief, Defendant has infringed and continues to
28 infringe one or more claims, including at least Claim 1, of the '860 Patent by making,

1 using (at least by having its employees, or someone under Defendant's control, test
2 the accused Product), importing, selling, and/or offering for sale associated hardware
3 and/or software for digital signature services (e.g., Kofax SignDoc), and any similar
4 products and/or services ("Product") covered by at least Claim 1 of the '860 Patent.
5 Defendant has infringed and continues to infringe the '860 patent either directly or
6 through acts of contributory infringement or inducement in violation of 35 U.S.C. §
7 271.

8 14. The Product provides a system for e-signing digital documents. The
9 Product provides for digitally verifying the identification of a signer. Certain aspects
10 of this element are illustrated in the screenshot(s) below and/or in those provided in
11 connection with other allegations herein.

12 **Kofax SignDoc®**

13 Organizations worldwide in banking, insurance, healthcare,
14 manufacturing, retail and many other industries rely on Kofax
15 SignDoc for easy and secure digital transactions.

16 SignDoc offers the benefits of trustworthy and convenient
17 paperless signing for a wide variety of functions including
18 customer and employee onboarding, procurement, account
19 management, service documentation, payroll and finance.

20 Source: https://www.kofax.com/-/media/files/datasheets/en/ps_kofax-signdoc_en.pdf

Workflow Management

Deploy an out-of-the-box workflow solution to integrate signing orchestration. Execute remote or in-person signing ceremonies, even in offline mode.

Two E-Signature Types

Start the e-signature process via click-to-sign or with handwritten signatures—often the preferred choice in face-to-face signing scenarios.

Source: <https://www.kofax.com/products/signdoc>

Signature Capture Options

Capture handwritten signatures on desktops or mobile devices like tablets or signing pads.

Signature Verification

Ensure transactional integrity with access to document and process audit trails—without the cost of maintaining additional software.

Source: <https://www.kofax.com/products/signdoc>

15. The Product includes at least one digital identification module structured to be associated with at least one entity. For example, the Product provides a module (e.g., the creation of an e-signature module for a user) to be associated with at least one entity (i.e., a user who needs to create an e-signature). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Create Signature Documents With Ease

SignDoc makes it easy to transform almost any document into a signature agreement. Choose from a wide range of signature inputs and signing methods. Follow the status of your documents and use automated reminders to keep things moving.

- **Multiple input fields**, such as signature boxes, text boxes, radio buttons, check boxes.
- **Signing options**, including hand-written, click-to-sign, signature image and stamp image.
- **Create and sign with one vendor.** SignDoc is integrated with Kofax Power PDF™, allowing signing elements to be added directly within the PDF-creation environment.

Source: https://www.kofax.com/-/media/files/datasheets/en/ps_kofax-signdoc_en.pdf



Source: https://www.kofax.com/-/media/files/white-papers/en/wp_kofax-power-pdf-esignatures_en.pdf

16. The Product includes a module generating assembly structured to receive at least one verification data element corresponding to at least one entity and create said at least one digital identification module. For example, the Product includes a module generating assembly structured to receive at least one verification data element corresponding to at least one entity (e.g., a user has a unique login ID and password for accessing and verifying the account for e-signing the documents). The module generating assembly is also structured to create at least one digital identification module (e.g., creating an e-signature of a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

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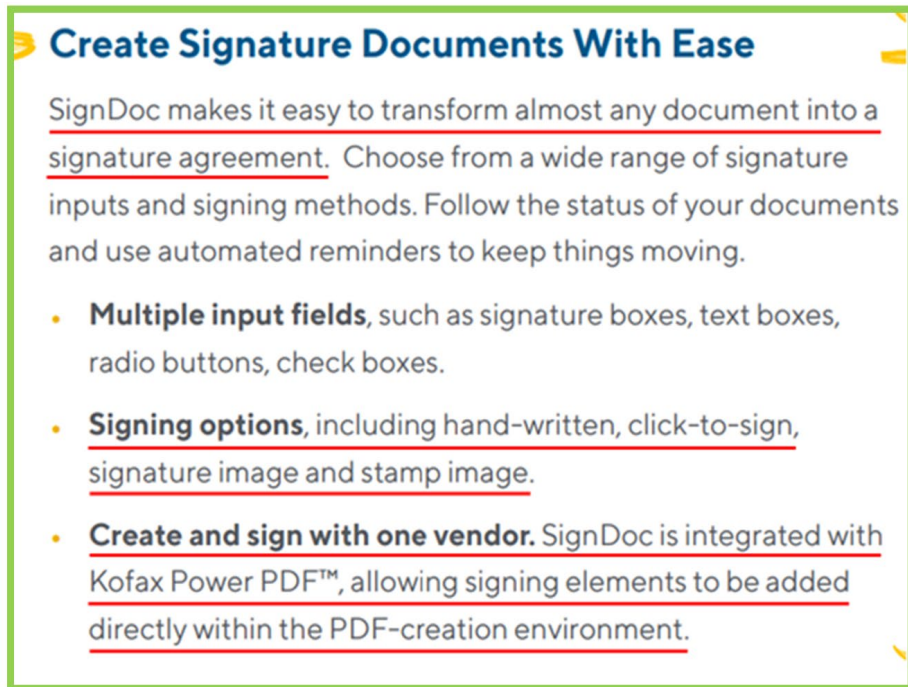
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Source: https://www.kofax.com/-/media/files/datasheets/en/ps_kofax-signdoc_en.pdf

Additionally, if you have an existing Kofax SignDoc account* you can create complete e-signature workflows directly from within Power PDF.

Source: <https://www.kofax.com/eg/power-pdf/how-to-create-an-esignature-with-power-pdf>

17. At least one digital identification module is disposable within at least one electronic file. (e.g., a user can store the e-signature within a document such as a “Bill of Landing” or in a PDF, Word doc, image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: https://www.kofax.com/-/media/files/datasheets/en/ps_kofax-signdoc_en.pdf

Additionally, if you have an existing Kofax SignDoc account* you can create complete e-signature workflows directly from within Power PDF.

Source: <https://www.kofax.com/eg/power-pdf/how-to-create-an-esignature-with-power-pdf>

Source: <https://www.kofax.com/products/power-pdf>

18. At least one digital identification module includes at least one primary component structured to associate the digital identification module at least partially with at least one entity. For example, an e-signature of a user is associated with user information including username, date, etc. to associate the digital identification module at least partially with at least one entity (e.g., an e-signature is associated with a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

With DocuSign's eSignature capabilities built-in to Power PDF, users can securely sign and send important documents right from the application.

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1

Upload a document

Create or open a PDF from a computer, mobile device or popular file-sharing site (Box, Dropbox, Google Drive, OneDrive).

2

Sign

Sign or request signatures on any document or any PDF.

3

Edit

Add the names and email addresses of the signers and other recipients, and specify the order in which they should sign.

4

Place fields and send

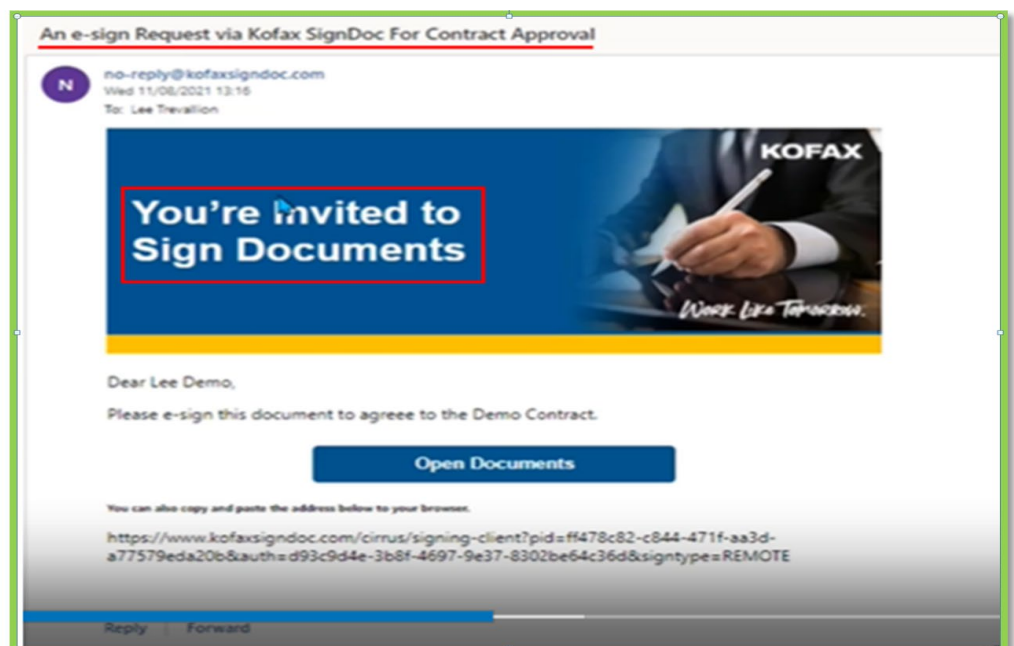
Drag and drop DocuSign fields to indicate where a signature, initial or date is needed.

5

Go mobile

Sign documents using a finger or a pen on a mobile device.

Source: https://www.kofax.com/-/media/files/white-papers/en/wp_kofax-power-pdf-esignatures_en.pdf



Source: <https://www.kofax.com/eg/power-pdf/how-to-create-an-esignature-with-power-pdf>

Signature Capture Options

Capture handwritten signatures on desktops or mobile devices like tablets or signing pads.

Signature Verification

Ensure transactional integrity with access to document and process audit trails—without the cost of maintaining additional software.

Source: <https://www.kofax.com/products/signdoc>

The screenshot displays a 'Demo Contract Form' interface. At the top, it states 'I agree to the associated Terms and Conditions for this Kofax contract:'. Below this, there are two main sections for signatories. The first section, 'Signatory 1', is highlighted with a red box and contains a handwritten signature 'Lee Trevallion' over a printed name 'Lee Trevallion'. Below the name, there are three role selection buttons: 'Board Director' (unselected), 'Department Manager' (selected with a checkmark), and 'Requester' (unselected). A 'Printed Sign Here' button is located below the role selection. The second section, 'Signatory 2', is partially visible and shows similar fields for name and role, but they are currently empty. The interface has a clean, professional look with a light gray background and blue accents.

Source: <https://www.kofax.com/eg/power-pdf/how-to-create-an-esignature-with-power-pdf>

19. At least one digital identification module is cooperatively structured to be embedded within only a single electronic file. For example, the module (e-signature) is stored within a single file (such as a PDF, Word doc, image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Kofax SignDoc®

Organizations worldwide in banking, insurance, healthcare, manufacturing, retail and many other industries rely on Kofax SignDoc for easy and secure digital transactions.

SignDoc offers the benefits of trustworthy and convenient paperless signing for a wide variety of functions including customer and employee onboarding, procurement, account management, service documentation, payroll and finance.

Source: https://www.kofax.com/-/media/files/datasheets/en/ps_kofax-signdoc_en.pdf

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Source: <https://www.kofax.com/eg/power-pdf/how-to-create-an-esignature-with-power-pdf>

Demo Contract Form

I agree to the associated Terms and Conditions for this Kofax contract:

Signatory 1:			
Printed Name:	Lee Trevallion		
Role:	Board Director <input type="checkbox"/>	Department Manager <input checked="" type="checkbox"/>	Requester <input type="checkbox"/>

Print Signatures

Signatory 2:			
Printed Name:			
Role:	Board Director <input type="checkbox"/>	Department Manager <input type="checkbox"/>	Requester <input type="checkbox"/>

Source: <https://www.kofax.com/eg/power-pdf/how-to-create-an-esignature-with-power-pdf>

Power and flexibility

Create, edit and convert PDF files to and from Word, Excel, PowerPoint, JPG, HTML and more.

More than Just Text

Embed MP4 videos, photos and diagrams into PDFs, and rich text within PDF forms

Source: <https://www.kofax.com/products/power-pdf>

eSign Documents

Add your digital ID or signature to documents; or take advantage of integrated e-signature workflow capabilities (sold separately).

Collaborate Easily

Create, edit and review PDFs in real-time across devices and platforms on your local network

Source: <https://www.kofax.com/products/power-pdf>

20. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,054,860 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

1 (c) Award Plaintiff damages resulting from Defendant's infringement in
2 accordance with 35 U.S.C. § 284;

3 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

4 (e) Award Plaintiff such further relief to which the Court finds Plaintiff
5 entitled under law or equity.

6 **JURY DEMAND**

7 Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully
8 requests a trial by jury on all issues so triable.

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10 Dated: April 21, 2022

Respectfully submitted,

11 /s/Stephen M. Lobbin

12 ***Attorney(s) for Plaintiff***
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